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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,734	12/18/2001	BRUCE LEE PETERSON	8285/432	8479

7590 08/01/2003

Kent E. Genin  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/024,734

Applicant(s)  
Bruce L. Peterson et al.

Examiner  
Cuong H. Nguyen

Art Unit  
3625



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on May 7, 2003.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-12 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-12 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 10

20) ☐ Other:

**DETAILED ACTION**

1. This Office Action is the answer to the preliminary amendment (received on 5/07/2003) from applicants' representative (Mr. Kent E. Genin, register # 37,834), which paper has been placed in the file.
2. Claims 1-12 are pending in this application.

**Response**

3. The applicants' arguments are moot in view of new grounds of rejections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), in view of Crawford (US Pat. 5,901,228).

A. Re. To claim 11:

**Hogan** et al. obviously suggests to create a duration of call by time-stamps of a beginning call and a conclusion of a call. There is extra charge to authorized user if there is an assistance of an operator

The **call** processing system also can include a **billing** system for determining the rates for calls and services, determining the costs for calls and services, and for generating bills to bill subscribers of the **call** processing system. The **billing** system includes a rating system, a rate file, and a toll file.

The **billing** system can provide rate quotes for a **call** that tell the requestor how much a **call** will cost. This feature can also be used by the **call** processing system to determine when the dollar amount left on a user's debit card is going to be depleted. In one embodiment, when a user places a debit card **call**, the operator console requests a rate quote from the **billing** system. The **billing** system looks up the rate for the **call** in the rate file. The rate can be based on the time of day, the distance over which the **call** is placed and the particular customer or user placing the **call**.

The **billing** system provides the quote to the operator console and to the NCP. The NCP retrieves information indicating the remaining dollar amount on the credit card. The NCP then computes the amount of time that is remaining on the card based on the rate quote for the **call** and the remaining dollar amount. When the remaining time is about to expire, the user is provided with a warning indicating how

much time is left. When the time expires, the **call** can be terminated or the user given options to replenish the debit card".

And "When a **call** is received by the **call** processing system for routing, a **billing** information record (BIR) is generated for the **call**. Among other information, the BIR is updated with timing information such as when the **call** is completed to a VRU or to an operator console or when it is terminated. When the **call** is completed, the BIR is sent to the **billing** system so the cost of the **call** can be calculated. The **billing** system uses the time information to compute wholesale and retail **call** durations. The **billing** system uses other information contained in or derived from the BIR such as time of day and distance of the **call** to retrieve a rate for the **call**. The **billing** system calculates a cost for the **call** (wholesale and/or retail) using the appropriate rate and the **call duration**. If required, a tax for the **call** is computed and added to the cost of the **call**. The cost information is stored in a toll file from which bills can be generated and sent to the appropriate subscriber."; from "a **billing** information record (BIR) is generated for the **call**", one of ordinary skill in the art would know that the cost and BIR information could be stored in database for later audit information.

Although similar languages are not used in Hogan et al.'s patent. The examiner submits that **Hogan** et al. obviously suggest claimed limitations of:

- containing a list of networks and a list of users;
- creating a connecting duration of a call (to an appropriate network);
- storing said duration of time in a database;
- receiving a report containing that call's charges;
- generating a bill from above information; and
- transmit said bill to concerned parties.

Crawford further discloses about accessing to a telephone company for data records that Hogan et al. do not expressly disclosed. (see **Crawford**, in Detailed Description Text portion (para. 323):

"Host computer 104 next queries its communications controller 112 to determine whether the customer computer is calling in on a special charge telephone number (e.g., a 900 number) (decision block 1126). If it is, host computer 104 displays a message specifying the service charges and prompts for acceptance within a specified time (block 1128). This gives the customer the opportunity to exit before phone charges begin. Basic charge amounts are also displayed. If the customer does not accept within a specified time (decision block 1130), host computer logs sign-off information for billing and security (block 1132), signs off the customer computer 50 (block 1134), and disconnects (block 1136). If the customer does accept, then host computer 104 sets a Telco billing access flag 1002W within the customer control data

block 1002 to indicate that billing is being handled by the telephone company instead of by the host computer 104 (block 1138)".

One with ordinary skill in the art would combine **Hogan** et al. and Crawford 's disclosures for monitoring access for billing long distance calls to suggest claim 11 's features. The examiner submits that this practice also has also seen in C&P telephone (as a local phone company) & (AT&T, MCI, Sprint as long-distance phone companies).

B. Re. To claims 3,8: These claims are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), in view of **Pepe** et al. (US Pat. 5,742,905).

In addition to **Hogan** et al.; **Pepe** et al. further disclose that "Text messaging systems may be connected to the PCI server through, for example, **Frame Relay**, SMDS, ISDN, leased line interface, or other transport mechanism effective for supporting data communications may be used. An inter-message handling system protocol, such as X.400 (in which case X.400 gateway conversion is needed), or Internet SMTP or other protocols supported by an inter-working unit terminating the data transport interface, may be used to forward messages between the PCI server 48 and the system accessing the PCI".

Since both **Hogan** et al., and **Pepe** et al. have similar suggestion of a billing system for long distance communications, **Pepe** et al. clearly disclose that frame

relay is a familiar means for transport mechanism. One with ordinary skill in the art would recognize this use as an essential characteristic of this very close reference to combine **Pepe** et al.'s suggestion to **Hogan** et al.'s disclosure.

C. Re. To claim 1: This claim is directed to a system for generating billing & related information containing similar limitations as in claim 11; therefore, it is obvious to one with ordinary skill in the art for similar rationales and references for 35 USC 103(a) rejection as claim 11.

D. Re. To claims 2, 5: These claim are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), Crawford (US Pat. 5,901,228), further in view of the Official Notice.

The rationales and references for rejection of claim 1 are incorporated. It is claimed that said system comprising a help desk computer in communication with the billing application, the help desk computer memory containing a list of authorized users who have accessed the help desk.

The Official Notice is taken here that this is analogous to a telephone operator wherein a user is recorded whenever a call is needed for assistance (through said operator); therefore, it is obvious to one with ordinary skill in the art for suggesting claimed feature.



E. Re. To claim 5: The rationales and references for rejection of claim 2 are incorporated.

It is claimed that a billing application is configured to receive the list of authorized users who have accessed the help desk and each bill generated for each of the plurality of unrelated host computer network further comprises a list of help desk charges.

The Official Notice is taken here that this is analogous to a telephone operator wherein a user is recorded whenever a call is needed for assistance (through said operator), e.g., from Wash. D.C. to calling to Japan is different to calling to Richmond, VA (thru. an operator), and a corresponding bill could include a list of "help desk" charges; therefore, it is obvious to one with ordinary skill in the art for suggesting claimed feature.

F. Re. To claims 4, 6: Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hogan** et al. (US Pat. 6,016,343), in view of Crawford (US Pat. 5,901,228), and further in view of **Pepe** et al. (US Pat. 5,742,905).

The rationales and references for rejection of claim 1 are incorporated.

It is claimed that said database further comprises a list of groups for each host computer, wherein authorized users for each host computer network are associated with a group in the list of groups.

The examiner submits that this is analogous to a component of said system claim: a database of computer networks with authorized users. It is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection because **Hogan** et al., disclose this analogous element.

G. Re. To claim 6: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises logic.

The examiner submits that this is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection because **Hogan** et al., and **Pepe** et al. obviously suggest billing's logic.

H. Re. To claim 7: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises a billing computer.

The examiner submits that this is not an inventive concept since computers can be "integrated" or stand-alone. This fact is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

I. Re. To claim 9: The rationales and references for rejection of claim 1 are incorporated.

It is claimed that a billing application comprises a long distance carrier invoice for calls made by authorized users

to each of the plurality of unrelated host computer networks.

The Official Notice is taken here that this claimed "system" have a "physical feature" that is analogous to a billing system with invoices (e.g., see cited **Crawford** in above rejection of claim 11). It is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

J. Re. To claim 10: The rationales and references for rejection of claim 9 are incorporated.

It is claimed that a bill comprises a fixed charge for each authorized user.

The examiner submits that this is not an inventive concept since "a fixed charge" could be applied as "a flat rate" for Internet connection. This fact is obvious to one with ordinary skill in the art for 35 USC 103(a) rejection.

K. Re. To claim 12: The rationales and references for rejection of claim 11 are incorporated.

This claim is directed to a method for "monitoring access" to computer networks containing similar limitations as in claims 10 & 5; therefore, it is obvious to one with ordinary skill in the art for similar rationales and references for 35 USC 103(a) rejection as claims 10 & 5.

#### **Conclusion**

5. Claims 1-12 are not patentable.

6. The following references are considered pertinent to applicants' subject matters:

- **Hogan et al.**, (US Pat. 6,016,343, filed on 8/20/1996, published on 1/18/2000) about call-processing system and method, wherein a system and method for processing telephone calls and providing enhanced services is presented. The call processing system includes a network control processor for controlling the processing and routing of the calls and for providing enhanced features, and a matrix switch for routing calls from an originating location to a terminating location. Operator consoles can be included to provide operator assistance to the caller. The network control processor comprises a central message processor that receives call data, determines the type of call, determines the processing required, and determines whether operator assistance is required. A call route distributor allocates an operator console to the call if required. A billing server is used to track billing information for the call while it is in progress. A database server is provided for database look-ups and storage. The call processing system also includes a validation system, a billing system, a distribution system, and a fraud detection and prevention system. The validation system is used to validate call information to determine whether the call can be placed. The billing system determines rates for calls and calculates the

cost of completed calls. The distribution system distributes changes that are made to a master database to the appropriate slave database. The fraud detection and prevention system monitors originating and in-process calls to detect and possibly prevent possible fraudulent uses of phone services and systems. A client interface is provided to facilitate communications among applications and DEF records are used to define specific call processing actions.

- **Pepe** et al., (US Pat. 5,742,905 filed on 9/19/1994, published on 4/21/1998) about personal communications internetworking wherein a person communications internetworking provides a network subscriber with the ability to remotely control the receipt and delivery of wireless and wireline voice and text messages. The network operates as an interfaces between various wireless and wireline networks, and also performs media translation, where necessary. The subscriber's message receipt and delivery options are maintained in a database which the subscriber may access by wireless or wireline communications to update the options programmed in the database. The subscriber may be provided with CallCommand service which provides real-time control of voice calls while using a wireless data terminal or PDA.

- **Threadgill** et al., (US Pat. 6,272,341 - published on 8/2001) about network engineering systems for mobile satellite communication.

- **Crawford**, (US Pat. 5,901,228 - published on 5/1999) about commercial online backup service that provides transparent extended storage to remote customers over telecommunications links.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

***(703)305-7687*** [Official communications]

or 703-746-5572 (RightFax)

10/024,734

Art Unit 3165

Hand delivered responses should be brought to Crystal  
Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor  
receptionist.

Receptionist's telephone: (703)308-1113.

*Cuong Nguyen*

Primary Examiner

July 26, 2002